

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Milton I. Shadur	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	01 C 529	DATE	1/29/2001
CASE TITLE	Victory Packaging vs. Jackson Moving Services		


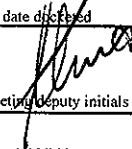
[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

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DOCKET ENTRY:

(1)	<input type="checkbox"/>	Filed motion of [use listing in "Motion" box above.]
(2)	<input type="checkbox"/>	Brief in support of motion due _____.
(3)	<input type="checkbox"/>	Answer brief to motion due _____. Reply to answer brief due _____.
(4)	<input type="checkbox"/>	Ruling/Hearing on _____ set for _____ at _____.
(5)	<input type="checkbox"/>	Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
(6)	<input type="checkbox"/>	Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
(7)	<input type="checkbox"/>	Trial[set for/re-set for] on _____ at _____.
(8)	<input type="checkbox"/>	[Bench/Jury trial] [Hearing] held/continued to _____ at _____.
(9)	<input type="checkbox"/>	This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to] <input type="checkbox"/> FRCP4(m) <input type="checkbox"/> General Rule 21 <input type="checkbox"/> FRCP41(a)(1) <input type="checkbox"/> FRCP41(a)(2).
(10)	<input checked="" type="checkbox"/>	[Other docket entry] Enter Memorandum Opinion and Order. Victory has plainly turned to Defeat in its duty to establish diversity of citizenship between the litigants, a precondition to its entering the federal courthouse door. As stated at the outset, the absence of established diversity constitutes a lack of subject matter jurisdiction, and both the Complaint and this action are dismissed.
(11)	<input checked="" type="checkbox"/>	[For further detail see order attached to the original minute order.]

<input type="checkbox"/> No notices required, advised in open court. <input type="checkbox"/> No notices required. <input checked="" type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input type="checkbox"/> Docketing to mail notices. <input checked="" type="checkbox"/> Mail AO 450 form. <input type="checkbox"/> Copy to judge/magistrate judge.		 COURTROOM DEPUTY'S INITIALS 01 JAN 29 PM 4:02	number of notices JAN 30 2001	Document Number <div style="font-size: 4em; text-align: center;">2</div>
SN	date docketed 			
courtroom deputy's initials	docketing deputy initials 1/29/2001			
Date/time received in central Clerk's Office	date mailed notice SN mailing deputy initials			

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

VICTORY PACKAGING,

Plaintiff,

v.

JACKSON MOVING SERVICES, L.L.C.,
etc.,

Defendant.

No. 01 C 529

MEMORANDUM OPINION AND ORDER

DOCKETED

JAN 30 2001

Victory Packaging ("Victory") has instituted this action against Jackson Moving Services, L.L.C. ("Jackson"), seeking to invoke federal jurisdiction on diversity grounds under 28 U.S.C. §1332.¹ Because Victory's effort to do so is fundamentally flawed, this Court sua sponte dismisses the Complaint and this action for lack of subject matter jurisdiction.

There is no question that Victory's counsel is familiar with the jurisdictional requirements for corporate parties: Complaint ¶1 properly identifies both facets of Victory's corporate citizenship under Section 1332(c)(1). But it is equally obvious that the Complaint has come up short as to Jackson: Complaint ¶1 identifies only the Illinois location of its principal office and place of business.

That would of course be insufficient under Section 1332(c)(1) even if Jackson were a corporation. But it is not--it


¹ All further references to Title 28's provisions will simply take the form "Section--."

2

is identified as an L.L.C. (a limited liability company). And as to such juridical entities Cosgrove v. Bartolotta, 150 F.3d 729, 731 (7th Cir. 1998) (case citations omitted) teaches:

This animal is like a limited partnership; the principal difference is that it need have no equivalent to a general partner, that is, an owner who has unlimited personal liability for the debts of the firm. See generally Larry E. Ribstein & Robert R. Keatinge, Ribstein and Keatinge on Limited Liability Companies (1998). Given the resemblance between an LLC and a limited partnership, and what seems to have crystallized as a principle that members of associations are citizens for diversity purposes unless Congress provides otherwise (as it has with respect to corporations, in 28 U.S.C. §1332(c)(1)), we conclude that the citizenship of an LLC for purposes of the diversity jurisdiction is the citizenship of its members.²

Hence Victory has plainly turned to Defeat in its duty to establish diversity of citizenship between the litigants, a precondition to its entering the federal courthouse door. As stated at the outset, the absence of established diversity constitutes a lack of subject matter jurisdiction, and both the Complaint and this action are dismissed.



Milton I. Shadur
Senior United States District Judge

Date: January 29, 2001

² [Footnote by this Court] That conclusion of course also makes irrelevant the location of Jackson's principal place of business, which is part of the jurisdictional matrix only as to corporations.